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OFFICE OF PETITIONS

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In re Application of
Shota Murakami, et. al.
Application No. 10/574,977
Filed: April 7, 2006
Attorney Docket No. 23697-015US1/NF-
2981

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: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
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This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 19, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT applications set forth in the amendment filed by facsimile transmission on March 9, 2009.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Sushil Shrinivasan appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120, 365(c) and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The amendment filed on March 9, 2009, states that the present "application is a continuation of PCT application PCT/JP2004/014732 filed on 10/6/2004 ("PCT Application"). The PCT Application is a continuation of U.S. Patent Application Serial No. 10/683,269." However, it is noted that the amendment fails to contain the proper relationship between the applications. Therefore, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) is required.

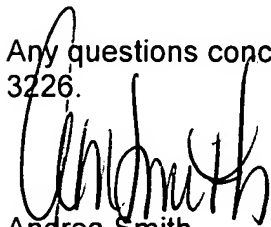
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Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions